

AFTER RECORDING RETURN TO:

Steve C. Morasch
Schwabe, Williamson & Wyatt, P.C.
1111 Main Place Suite 410
Vancouver, WA 98660

COVER SHEET

DOCUMENT TITLE: Amendment to the Upper Pine Creek Covenants Conditions and Restrictions

REFERENCE NUMBER(S): N/A 2004 152 950

NAME(S) OF GRANTOR(S): Frank Yela, Carolyn Yela, David Creagan, Brenda Creagan, Dennis Dale, Renee Taylor, Clifford Larson, Gerald Sauer, Mary Sauer, Connie G. Sauers, John Niemer, Lauren Niemer

NAME(S) OF GRANTEE(S): Frank Yela, Carolyn Yela, David Creagan, Brenda Creagan, Dennis Dale, Renee Taylor, Clifford Larson, Gerald Sauer, Mary Sauer, Connie G. Sauers, John Niemer, Lauren Niemer

PAGE(S) WHERE ADDITIONAL NAMES CAN BE FOUND: N/A

ABBREVIATED LEGAL DESCRIPTION: Lots #1, #2 #3 and #4 ANGRY LADY SHORT PLAT; Lots #1, #2, #3 and #4 JOHN NIEMER SHORT PLAT; Lots #1 and #2 DAVE CREAGAN SHORT PLAT; Lots #1 and #4 BRENDA CREAGAN SHORT PLAT

See pages 10 thru 15 for complete legal descriptions

ASSESSOR'S PROPERTY TAX PARCEL NUMBER: #7-6-23-00-1120-00; #7-6-23-00-1121-00; #7-6-23-00-1122-00; #7-6-23-00-1106-00; #7-6-23-00-1123-00; #7-6-23-00-1124-00; #7-6-23-00-1125-00; #7-6-23-00-1105-00; #7-6-23-00-1114-00; #7-6-23-00-1115-00; #7-6-23-00-1107-00; #7-6-23-00-1117-00; #7-6-23-00-1103-00

See pages 10 thru 15 for additional parcel numbers

AFTER RECORDING RETURN TO:

Steve C. Morasch
1111 Main Street, Suite 410
Vancouver, WA 98660

**AMENDMENT TO THE UPPER PINE CREEK COVENANTS CONDITIONS and
RESTRICTIONS**

WHEREAS, the Upper Pine Creek Covenants Conditions and Restrictions (hereinafter the CC&Rs) were recorded on May 13, 2004 at Doc # 2004152956 of the official records of Skamania County, Washington; and

WHEREAS, the owners of the property described on Exhibit A desire to remove their property from the CC&Rs so their property can be annexed into the Three Rivers Recreational Area, and the Owners of the property described on Exhibit B hereto desire to remain in the Upper Pine Creek development subject to the CC&Rs; and

WHEREAS, pursuant to the terms of the CC&Rs, the CC&Rs may be amended if such amendment is approved in writing by owners representing 75 percent of the lots; and

WHEREAS, the undersigned owners by their unanimous signatures represent in excess of 75 percent of the lots and by their signatures they indicate their approval of the amendments to the CC&Rs contained herein; and

NOW, THEREFORE, the CC&Rs are hereby repealed in their entirety as to the property described on Exhibit A hereto, and the CC&Rs shall remain in full force and effect as to the property described in Exhibit B hereto. Notwithstanding the above, nothing in this Amendment to the Upper Pine Creek Covenants Conditions and Restrictions shall effect any easements pertaining to the property described on Exhibits A and B or any adjoining property, and all such easements shall remain in full force and effect. Further, the CC&Rs applicable to the property described on Exhibit B may not be amended for a period of three years after the recording date of this amendment without the approval the owners representing 75 percent of the lots described on both Exhibits A and B. After the expiration of such three year period, the CC&Rs applicable to the property described on Exhibit B may be amended with the approval of the owners representing 75 percent of the lots described on Exhibit B, as stated in the CC&Rs.



FRANK YELA

Carolyn Yela
CAROLYN YELA

David Creagan
DAVID CREAGAN

Brenda Creagan
BRENDA CREAGAN

Dennis Dale
DENNIS DALE

Renee Taylor
RENEE TAYLOR

Clifford Larson
CLIFFORD LARSON

Gerald Sauer
GERALD SAUER

Mary Sauer
MARY SAUER

Connie G. Sauers
CONNIE G. SAUERS

John M. Niemer
JOHN NIEMER

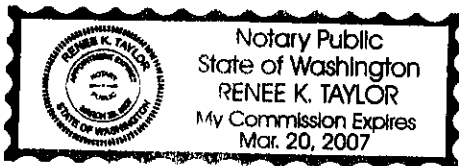
Lauren Niemer
LAUREN NIEMER

NOTARY BLOCKS ON FOLLOWING PAGES

Washington
Oregon
STATE OF WASHINGTON)
Clark) ss.
County of Multnomah

On this day personally appeared before me CLIFFORD LARSON, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 12th day of October, 2005.



Renee K. Taylor
Print Name: Renee K. Taylor
NOTARY PUBLIC for the State of Washington
My Commission Expires: 3/20/2007

Oregon
STATE OF WASHINGTON)
) ss.
County of Multnomah)

On this day personally appeared before me GERALD SAUER, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10 day of October, 2005.

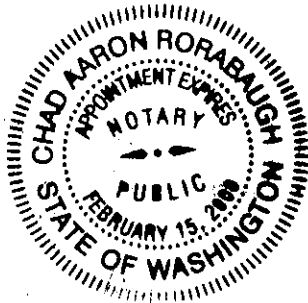


Katie C. Slick
Print Name: Katie C. Slick
NOTARY PUBLIC for the State of Washington-Oregon
My Commission Expires: Nov. 7 2008

STATE OF WASHINGTON)
) ss.
County of Clark)

On this day personally appeared before me FRANK YELA, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 12th day of October, 2005.



Chad Rorabaugh
Print Name: Chad Rorabaugh
NOTARY PUBLIC for the State of Washington
My Commission Expires: 2/15/2009

STATE OF WASHINGTON)
) ss.
County of Clark)

On this day personally appeared before me CAROLYN YELA, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 12th day of October, 2005.



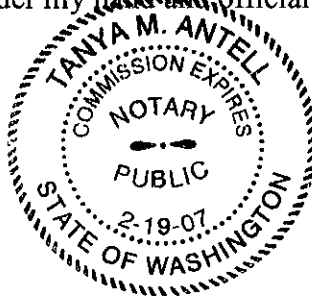
Chad Rorabaugh
Print Name: Chad Rorabaugh
NOTARY PUBLIC for the State of Washington
My Commission Expires: 2/15/2009

STATE OF WASHINGTON)

County of Cowlitz) ss.

On this day personally appeared before me DAVID CREAGAN, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13th day of October, 2005.



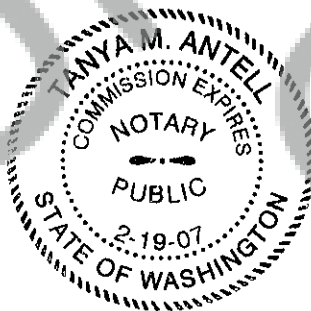
Tanya M Antell
Print Name: Tanya M Antell
NOTARY PUBLIC for the State of Washington
My Commission Expires: 2/19/07

STATE OF WASHINGTON)

County of Cowlitz) ss.

On this day personally appeared before me BRENDA CREAGAN, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13th day of October, 2005.



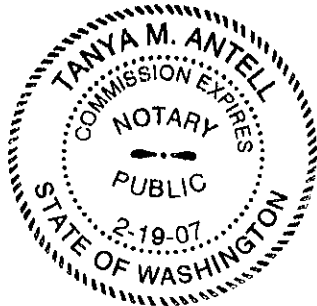
Tanya M Antell
Print Name: Tanya M Antell
NOTARY PUBLIC for the State of Washington
My Commission Expires: 2/19/07

STATE OF WASHINGTON)

County of Cowlitz) ss.

On this day personally appeared before me DENNIS DALE, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13th day of October, 2005.



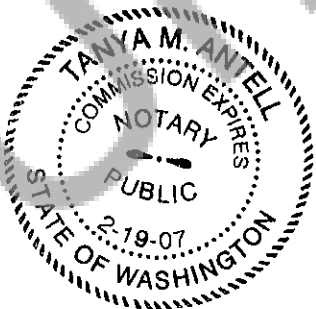
Tanya M. Antell
Print Name: Tanya M. Antell
NOTARY PUBLIC for the State of Washington
My Commission Expires: 2/19/07

STATE OF WASHINGTON)

County of Cowlitz) ss.

On this day personally appeared before me RENEE TAYLOR, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13th day of October, 2005.



Tanya M. Antell
Print Name: Tanya M. Antell
NOTARY PUBLIC for the State of Washington
My Commission Expires: 2/19/07

STATE OF ^{Oregon} WASHINGTON)
) ss.
County of Multnomah)

On this day personally appeared before me JOHN NIEMER, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10 day of October, 2005.



Katie C. Slick
Print Name: Katie C. Slick
NOTARY PUBLIC for the State of Washington Oregon
My Commission Expires: Nov. 7, 2008

STATE OF ^{Oregon} WASHINGTON)
) ss.
County of Multnomah)

On this day personally appeared before me LAUREN NIEMER, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10 day of October, 2005.



Katie C. Slick
Print Name: Katie C. Slick
NOTARY PUBLIC for the State of Washington Oregon
My Commission Expires: Nov. 7, 2008

EXHIBIT "A"

(Lots to be Removed From Upper Pine Creek)

The following described property in Skamania County, Washington:

Lots #1, #2, #3, and #4 Angry Lady Short Plat recorded at Document No. 2004-153799 of the official records of Skamania County, Washington (Tax Parcels #7-6-23-00-1120-00; #7-6-23-00-1121-00; #7-6-23-00-1122-00; and #7-6-23-00-1106-00);

Lots #1, #2, #3, and #4 of John Niemer Short Plat recorded at Document No. 2004-153795 of the official records of Skamania County, Washington, (Tax Parcels #7-6-23-00-1123-00; #7-6-23-00-1124-00; #7-6-23-00-1125-00; #7-6-23-00-1105-00);

Lots #1 and #2, of Dave Creagan Short Plat recorded at Document No. 2004-153613 of the official records of Skamania County, Washington (Tax Parcels #7-6-23-00-1114-00 and #7-6-23-00-1115-00);

Lots #1 and #4 of Brenda Creagan Short Plat recorded at Document No. 2004-153797 of the official records of Skamania County, Washington (Tax Parcels #7-6-23-00-1117-00 and #7-6-23-00-1103-00);

And the following parcels:

PARCEL 1

The North Half of the North Half of the South Half of the Northeast Quarter of Section 23, Township 7 North, Range 6 East of the Willamette Meridian, Skamania County, Washington.

Together with

A portion of the Southwest Quarter of the Northwest Quarter of Section 24, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows: (bearings are "NAD 83", Washington Coordinate System, South Zone):

Beginning at a concrete monument with BLM brass cap at the Northwest corner of Section 24; thence South $01^{\circ}18'16''$ West, along the West line of the Northwest Quarter of Section 24, for a distance of 1655.91 feet to the Southeast corner of the North Half of the North Half of the South Half of the Northeast Quarter of Section 23 and the True Point of Beginning; thence South $89^{\circ}20'18''$ East, on the extension of the South line of said North Half of the North Half of the South Half of the Northeast Quarter, for a distance of 51.90 feet to the centerline of the United States Forest Service "25 Road" as described in Skamania County Auditor File No. 2004155037; thence North $01^{\circ}12'00''$ East, along said road centerline, 331.14 feet; thence leaving said road centerline, North $89^{\circ}17'49''$ West, 51.29 feet to the Northeast corner of the South Half of the Northeast Quarter of Section 23; thence South $01^{\circ}18'16''$ West, 331.18 feet to the True Point of Beginning. (Tax Parcel #7-06-23-00-1108-00)

Exhibit A - 1

Parcel II

The South Half of the North Half of the South Half of the Northeast Quarter of Section 23, Township 7 North, Range 6 East of the Willamette Meridian, Skamania County, Washington.

Together with

A portion of the Southwest Quarter of the Northwest Quarter of Section 24, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows (bearings are "NAD 83", Washington Coordinate System, South Zone):

Beginning at a concrete monument with BLM brass cap at the Northwest corner of Section 24; thence South $01^{\circ}18'16''$ West, along the West line of the Northwest Quarter of Section 24, for a distance of 1655.91 feet to the Southeast corner of the North Half of the North Half of the South Half of the Northeast Quarter of Section 23 and the True Point of Beginning; thence South $89^{\circ}20'18''$ East, on the extension of the South line of said North Half of the North Half of the South Half of the Northeast Quarter, for a distance of 51.90 feet to the centerline of the United States Forest Service "25 Road" as described in Skamania County Auditor File No. 2004155037; thence South $01^{\circ}12'00''$ West, along said road centerline, 331.14 feet; thence leaving said road centerline, North $89^{\circ}22'46''$ West, 52.50 feet to the Southeast corner of the South Half of the North Half of the South Half of the Northeast Quarter of Section 23; thence North $01^{\circ}18'16''$ East, 331.18 feet to the True Point of Beginning.

(Tax Parcel #7-6-23-00-1112-00)

PARCEL III

The North Half of the South Half of the South Half of the Northeast Quarter of Section 23, Township 7 North, Range 6 East of the Willamette Meridian, Skamania County, Washington.

Together with

A portion of the Southwest Quarter of the Northwest Quarter of Section 24, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows (bearings are "NAD 83", Washington Coordinate System, South Zone):

Beginning at a concrete monument with BLM brass cap at the Northwest corner of Section 24; thence South $01^{\circ}18'16''$ West, along the West line of the Northwest Quarter of Section 24, for a distance of 2318.27 feet to the Southeast corner of the North Half of the South Half of the South Half of the Northeast Quarter of Section 23 and the True Point of Beginning; thence South $89^{\circ}25'15''$ East, on the extension of the South line of said North Half of the South Half of the South Half of the Northeast Quarter, for a distance of 59.25 feet to the centerline of the United States Forest Service "25 Road" as described in Skamania County Auditor File No. 2004155037; thence Northerly, along said centerline and along the arc of a 2220.00 foot radius curve to the right, (the radial bearing of which is North $86^{\circ}56'10''$ East) through a central angle of $04^{\circ}15'50''$, for an arc distance of 165.21 feet; thence North $01^{\circ}12'00''$ East, along said road centerline, 166.02 feet; thence leaving said road centerline, North $89^{\circ}22'46''$ West, 52.50 feet to the Northeast corner of said North Half of the South Half of the South Half of the Northeast Quarter of Section 23; thence South $01^{\circ}18'16''$ West, 331.18 feet to the True Point of Beginning. (Tax Parcel #7-06-23-00-1111-00)

PARCEL IV

The South Half of the South Half of the South Half of the Northeast Quarter of Section 23, Township 7 North, Range 6 East of the Willamette Meridian, Skamania County, Washington.

Together with

A portion of the Southwest Quarter of the Northwest Quarter of Section 24, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows (bearings are "NAD 83", Washington Coordinate System, South Zone):

Beginning at a concrete monument with BLM brass cap at the Northwest corner of Section 24; thence South $01^{\circ}18'16''$ West, along the West line of the Northwest Quarter of Section 24, for a distance of 2318.27 feet to the Southeast corner of the North Half of the South Half of the South Half of the Northeast Quarter of Section 23 and the True Point of Beginning; thence South $89^{\circ}25'15''$ East, on the extension of the South line of said North Half of the South Half of the South Half of the Northeast Quarter, for a distance of 59.25 feet to the centerline of the United States Forest Service "25 Road" as described in Skamania County Auditor File No. 2004155037; thence Southerly, along said centerline and along the arc of a 2220.00 foot radius curve to the left, (the radial bearing of which is North $86^{\circ}56'10''$ East) through a central angle of $05^{\circ}33'34''$, for an arc distance of 215.41 feet; thence leaving said road centerline, South $74^{\circ}19'05''$ West, 89.96 feet to the West line of the Southwest Quarter of the Northwest Quarter of Section 24, at a point that bears North $01^{\circ}18'16''$ East, 92.00 feet from an iron pipe with BLM brass cap at the Quarter corner between Sections 23 and 24; thence North $01^{\circ}18'16''$ East, 239.18 feet to the True Point of Beginning.

(Tax Parcel #7-06-23-00-1109-00)

PARCEL V

A portion of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 23 and Government Lot 2 (the fractional Northwest quarter of the Southwest Quarter) and the Southwest Quarter of the Northwest Quarter of Section 24, Township 7 North, Range 6 East, Willamette Meridian, Skamania County, Washington, described as follows (bearings are "NAD 83", Washington Coordinate System, South Zone):

Beginning at a concrete monument with BLM brass cap at the Northwest corner of Section 24; thence South $01^{\circ}18'16''$ West, along the West line of the Northwest Quarter of Section 24, for a distance of 2649.45 feet to an iron pipe with BLM brass cap at the Quarter Corner between Sections 23 and 24; thence North $01^{\circ}18'16''$ East, 92.00 feet to the Northeast corner of the "Triangular Tract" conveyed to "Sauer" under Skamania County Auditor's File No. 2004155176 and the TRUE POINT OF BEGINNING; thence South $74^{\circ}19'05''$ West, 329.34 feet to the Western corner of the "Triangular tract" at a point on the North line of the Northeast Quarter of the Southeast Quarter of Section 23 that bears North $89^{\circ}27'43''$ West, 315.00 feet from the Quarter Corner between Sections 23 and 24; thence North $89^{\circ}27'43''$ West, 1008.70 feet to the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section 23; thence South $01^{\circ}14'18''$ West, 661.73 feet to the Northwest corner of the South Half of the Northeast Quarter of the Southeast Quarter of Section 23; thence South $01^{\circ}14'18''$ West, along the West line of the South Half of the Northeast Quarter of the Southeast Quarter, for a distance of 108.34 feet; thence South $89^{\circ}25'00''$ East, 758.92 feet; thence North $00^{\circ}45'10''$ East, 208.33 feet; thence South $89^{\circ}25'00''$ East, 797.72 feet to the centerline of the United States Forest Service "25 Road" as described in Skamania County Auditor's File No. 2004155037 and as shown in a survey recorded in Skamania County Auditor's File No. 2005155913; thence North $10^{\circ}59'00''$ West, along said Centerline 602.22 feet; thence along the arc of a 2220 foot radius curve to the right, through a central angle of $02^{\circ}21'36''$, for an arc distance of 91.44 feet; thence South $74^{\circ}19'05''$ West, 89.96 feet to the TRUE POINT OF BEGINNING.

(Tax Parcel #7-6-23-00-1101-00)

EXHIBIT "B"

(Lots to Remain as Upper Pine Creek)

The following described property in Skamania County, Washington:

Lot #3, Dave Creagan Short Plat recorded at Document No. 2004-153613 of the official records of Skamania County, Washington (Tax Parcel #7-6-23-00-1116-00);

That part of Lot #4 of Dave Creagan Short Plat recorded at Document No. 2004-153613 of the official records of Skamania County, Washington, lying East of Pine Creek (Tax Parcel #7-6-23-00-1107-00); and

Lots #2 and #3, of Brenda Creagan Short Plat recorded at Document No. 2004-153797 of the official records of Skamania County, Washington (Tax Parcels #7-6-23-00-1118-00 and #7-6-23-00-1119-00).